

REMARKS

In response to the Office Action mailed January 10, 2005 in the above-identified application, Applicants respectfully request consideration. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1-12 previously were pending in this application. In this response, the specification has been amended to address a minor typographical error. Additionally, claims 1 and 3-12 have been amended, and new claims 13-28 have been added. As a result, claims 1-28 are pending for examination with claims 1, 8 and 14 being independent claims. The application as now presented is believed to be in allowable condition.

A. Rejections Under 35 U.S.C. §102

Claims 1-12 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,188,986 to Matulich, et al. (hereinafter Matulich).

Claim 1 has been amended to recite, *inter alia*, “A color-based lighting system comprising: a transducer to take in voice signals ... at least one lighting device comprising at least a first light source adapted to emit light of a first color and a second light source adapted to emit light of second color, the first color being different than the second color, the at least one lighting device being configured to combine at least the light of the first color and the light of the second color to produce at least a third color ... and a computing device ... adapted to control emission of the first light by the first light source and the second light by the second light source.”

Similarly, claim 8 has been amended to recite, *inter alia*, “A method of controlling a lighting device comprising at least a first light source adapted to emit light of a first color and a second light source adapted to emit light of second color, the first color being different than the second color, the method comprising acts of ... in response to the signal, producing the light of the first color and the light of the second color; and combining the light of the first color and the light of the second color to produce light of a third color.”

Matulich does not disclose or suggest a color-based lighting system comprising a lighting device configured to combine at least the light of the first color and the light of the second color to produce at least a third color, as recited in claim 1. Similarly, Matulich does not disclose or suggest combining a first light of a first color and a second light of a second color to produce light of a third color, as recited in claim 8. Accordingly, for at least this reason, claims 1 and 8 as amended patentably distinguish over Matulich and are in condition for allowance. Therefore, the rejections of these claims should be withdrawn.

Claims 2-7, 9-12, and new claim 13 depend from one of claims 1 and 8, and are patentable based at least upon their dependency.

B. Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

For example, in paragraph 6, the Office Action summarily asserts that Matulich anticipates several of the dependent claims, including dependent claim 6, as allegedly the features of these dependent claims (including an addressable processor) are “well-known” to a person of ordinary skill in the art.

First, to anticipate a claim, a reference must teach every element of a claim. With respect to claim 6, Matulich fails to disclose an addressable processor. Accordingly, the rejection of dependent claim 6 under 35 U.S.C. §102(e) is improper (MPEP §2131).

Second, to the extent that the Examiner is relying on purportedly “well-known” concepts or teachings in the art to support claim rejections, the Examiner is respectfully requested to cite a reference in support of his position as required under MPEP §2144.03;

alternatively, if the Examiner is relying upon facts within his personal knowledge, the Examiner is respectfully requested to file an affidavit establishing those facts pursuant to MPEP §2144.03.

C. New Claims 14-28

New independent claim 14 recites, *inter alia*, “A lighting system, comprising: [a] computing device adapted to produce addressed control signals ... a plurality of lighting devices each capable of producing light of a plurality of colors and each associated with an addressable processor, each addressable processor configured to control selected ones of the lighting devices.”

Matulich fails to disclose or suggest all of the features recited in new claim 14. Therefore claim 14 is patentable over Matulich. Claims 15-28 depend from claim 14 and are patentable over Matulich for at least the same reasons as claim 14.

D. Conclusion

It is respectfully believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify any concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants’ representative at the telephone number

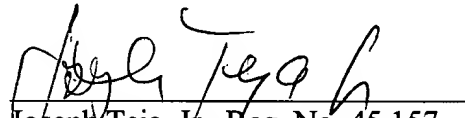
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indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 06-1448, reference CKB-075.01.

Respectfully submitted,

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